IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
)
U.S. Patent No. 5,260,978   )
)
Patentees: Paul E. Fleischer et al.   )
)
Issued: November 9, 1993   )   Group Art Unit: 2614
)
Serial No.: 07/969,592   )   Examiner: Hai H. Phan
)
Filed: October 30, 1992   )
)
For: SYNCHRONOUS RESIDUAL TIME   )   **RECEIVED**
     STAMP FOR TIMING RECOVERY IN   )
     A BROADBAND NETWORK   )   MAY 6 - 1999

Assistant Commissioner for Patents
Washington, D.C. 20231   Group 2700

Sir:

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

I, Chi-Leung Lau hereby declare:

1.   I am an original, first, and one of the named joint inventors, along with named joint inventor Paul E. Fleischer of the invention disclosed and claimed in the attached specification, entitled SYNCHRONOUS RESIDUAL TIME STAMP FOR TIMING RECOVERY IN A BROADBAND NETWORK, for U.S. Patent 5,260,978 (hereinafter, "the '978 patent"), which was filed on October 30, 1992 and issued on November 9, 1993, for which a reissue application is sought. I have reviewed and understand the contents of the attached specification, including the claims.

2. I have a residence, a post office address, and citizenship as indicated below next to my name.

3. I believe that the '978 patent is partly inoperative because the patent claims embrace less than we had a right to claim, by being too narrow in at least some aspects, and thus erroneously fail to protect all important aspects of the invention disclosed in the '978 patent. I believe that these claim errors arose as a result of a combination of my lack of expertise in the legal interpretation of claims and my reliance on the original working attorney to appreciate the full scope of the invention.

4. I understand that the new claims in this reissue application are broadened in certain aspects to correct such inoperativeness, while maintaining the original claims without change so as to obtain the scope of the new broadened claims while retaining the scope of the original claims.

5. The claiming errors, generally referenced in ¶ 3 and specifically identified in ¶ 9, occurred without any deceptive intention on my part.

6. I acknowledge my duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

7. I first learned of claiming errors, which make the '978 patent partly inoperative, in October-November 1995 in response to a request that I review the patent.

8. In supporting the preparation of the application for the '978 patent, I recollect having read the description in the

specification, for technical accuracy and completeness of the disclosure and having reviewed the claims as filed for the '978 patent. I recollect having made suggestions for the claims, but ultimately relied on the judgment of the working attorney in the choice of claim language which would properly define the metes and bounds of the invention.

9. The following are specifically identified as claiming errors:

A. All of the original '978 patent claims are directed to a packet-based telecommunications network as a whole.

I believe broadened claims for the invention as applied either at a sending node or a destination node are justified by the invention of the '978 patent.

New claims 11, 13-15, 19, and 24-27 are broadened to recite only a source node apparatus or method. New claims 12, 16-18, 20, and 28 are broadened to recite only a destination node apparatus or method.

B. None of the original '978 patent claims are broadly directed to the invention apparatus and/or method in correspondence to broad aspects of the text in the Summary of the Invention of the '978 patent.

The invention is summarized, in part, in column 3, lines 52-67 of the original '978 patent, as follows:

> In accordance with the present invention, the
> number of bits required to represent the
> number of network clock cycles within that
> time interval is substantially reduced. This
> is possible through the realization that the
> actual number of network clock cycles, M
> (where M is not necessarily an integer),
> deviates from a nominal known number of cycles

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by a calculable deviation that is a function of N, the frequencies of the network and service clocks, and the tolerance of the service clock. Specifically, therefore, rather than transmitting a digital representation of the quantized actual number of network clock cycles within the interval, only a representation of that number as it exists within a defined window surrounding an expected, or nominal, number of network clock pulses is transmitted from a source node to a destination node in an ATM network.

New network combination claims 21-23 and 29-32 and the new sending node and destination node claims 16-20 and 24-28 are broadened to recite broad aspects of the invention as described in the text of the Summary of the Invention. Claims 16-18 include a quantized difference within a defined time window. Claims 19-32 include, in apparatus or method format, a deviation of determined network clock cycles (in a defined time interval) from a nominal number of network clock cycles for the time interval.

C. None of the original '978 patent claims recite a specific numeric value for the modular counting or the feature of carryover of any fraction in the modulo count in any one counting period to the next counting period.

New independent claims 11, 14, and dependent claim 27, while broadened in other aspects, recite or correspond to a modular counting value of 16. New claim 32 depends from broadened claim 29 and recites the carryover feature.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

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statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Leonard Charles Suchyta (Reg. No. 25,707) my attorney, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

It is respectfully requested that all written communications from the Patent and Trademark Office in connection with this application be addressed to Leonard Charles Suchyta, Bell Communications Research, Inc., Morris Corporate Center, 445 South Street, Morristown, New Jersey 07960-6438.

Dated: _Nov 7, 1985_

Paul E. Fleischer